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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/265,489

03/09/1999

SASHIKANTH CHANDRASEKARAN

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55498

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05/12/2009

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San Jose, CA 95131

EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/265,489	Applicant(s) CHANDRASEKARAN ET AL.	
	Examiner BAOQUOC N. TO	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/25/2009 has been entered.

Claims 1-14 and 16-51 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 02/25/2009 have been fully considered but they are not persuasive.

Applicant argues "the mere existence of bugs does not render the claimed invention inoperative and is not prima facie evidence that the claimed inventions was not reduced to practice..."

The examiner respectfully disagrees with above argument. As indicated in the previous response, the examiner indicated that the test script contains bugs which do not demonstrate that it work for the intended purpose as require by MPEP 2138.05. Although, the invention does not have to be a commercially satisfactory stage of development to be considered having reduced to practice; however, having bugs in the test script demonstrate the incompleteness of the invention. Therefore, without the

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invention has been tested for its intended purpose, the actual reduction to practice is not shown. Furthermore, the examiner provided proof such as “bugs” showing in the test scripts as indication of incomplete of the invention. Therefore, The DECLARATION OF SASHIKANTH CHANDRASEKARAN AND ASHOK SAXENA under 37 CFR 1.131 has been considered but is ineffective to overcome the Anderson.

Response to Amendment

The DECLARATION OF SASHIKANTH CHANDRASEKARAN AND ASHOK SAXENA filed on 02/25/2009 under 37 CFR 1.131 has been considered but is ineffective to overcome the Anderson.

3. Under MPEP 715.07 Three Ways To Show Prior Invention

In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and work for its intended purpose.

In paragraph 3, the Exhibit E is the output of the test script of Exhibit B-D, there is not indication of any successful of test because the result include bug such as ykunitom_bu-704908_1. Therefore, the apparatus is not worked as intended purpose as require in 2138.05 Reduction To Practice states under REQUIERMENT TO ESTABLISH ACTUAL REDUCTION TO PRACTICE, "the same evidence sufficient for a constructive reduction to practice, which requires a showing of the invention in a physical or tangible form that shows every elements of the count. For the actual

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reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose.

Therefore, the DECLARATION OF SASHIKANTH CHANDRASEKARAN AND ASHOK SAXENA filed on 02/25/2009 under 37 CFR 1.131 has been considered but is ineffective to overcome the Anderson reference with following reason.

The test result in exhibit F provide evidence the apparatus does not work as intended purpose because the test script show bug in the result which indicates the apparatus does not produce expected result.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-14, 16-30 and 38-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13, 21 and 38 are lacked of physical components to constitute a machine as defined within 35 U.S.C 101. Rather, the system as recited in claims 13 and 21 are program or software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 38-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant invoked 112 6th paragraph for claims 38-44; however, the specification do not provides a specific embodiment to support for the claimed 38-44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-14 and 16-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US. Patent No. 6,442,600 B1) in view of Smith et al. (6,282,564 B1).

Regarding on claims 1 and 54, Anderson teaches a method for managing information to be accessed by multiple consumers, said information comprising one or more information records, said information records to be accessed by said multiple

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consumers in a specified order, each said information record comprising data to be accessed by a consumer, said method comprising:

Providing said data of an information record to a consumer (the message distribution server (MDS) system receives electronic messages to be distributed to one or more recipients) (col. 3, lines 34-36).

Updating a history table, said history table comprising a history record for each consumer for said information record, said history record comprising a message stage field for indicating whether said data of said information record have been provided to said consumer (the MDS system then tracks and manages requests from the recipient to access the message by permitting access when appropriate, performing activities such as decrypting/decrypting the message if necessary, recording information about the access and about recipient instruction related to the message, archiving the message if necessary, and adding the message when it is no longer needed) (col. 3, lines 40-47).

Anderson also discloses “messenger tracker component will also monitor the messages to determine when it is no longer necessary to store a message. For example, if all recipients have reviewed the message and none have instructed that the message be saved (or in an embodiment where the default is to save the message and all recipients have indicated to delete the message), the message tracker can delete the stored message” (col. 7, lines 17-24). However, Anderson does not explicitly teach updating comprising setting said message state field in a history record corresponding to said consumer to indicate said consumer accessed said data. On the other hand,

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Smith discloses updating comprising setting said message state field in a history record corresponding to said consumer to indicate said consumer accessed said data (col. 10, lines 12-15). This suggests the status indicator indicates the record has been read.

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Anderson's system to update the message stage field to indicate the viewer have been read the message as taught by Smith in order to allow the automatic message deletion upon all user read the message.

Regarding on claim 2, Smith teaches each said information record further comprises a message identifier value that identifies the data of said information record and each said history record further comprises a message id field that identifies data in an information record (col. 10, lines 1-18).

Regarding on claim 3, Anderson teaches history record further comprises a consumer id field that identifies a consumer of said multiple consumers that is to access data in an information record, said data identified by said message id field, said consumer id field of said history record identifying said history record as corresponding to said consumer (col. 3, lines 35-46).

Regarding on claim 4, Smith teaches updating comprising setting said message state field in the history record with a message id field the identifies said data that said consumer is provided access to and with a consumer id field that identifies said consumer (col. 10, lines 12-18).

Regarding on claims 5 and 47, Anderson teaches in which prefix index key compression is used to store only on instance of a message identifier value that

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identifies the data of an information record in said history table for each history record for said information record (col. 3, lines 3-47).

Regarding on claim 6, Smith teaches storing data to be accessed by a consumer in an information record creating a history record for each consumer that is access said data, and setting said message state field in each said history record to indicate said data has not been accessed (col. 10, lines 12-17).

Regarding on claim 7, Anderson teaches a read-order table comprising order data that indicates the relative order that data in said information record is to be accessed by said multiple consumers, said method further comprising identifying the data of in information record that a consumer is to be provided access to by said order data in said read-order table (col. 3, lines 30-47).

Regarding on claim 8, Anderson teaches reading one or more history records of said history table, said one or more history records comprising a history table read; and

deleting an information record if all the message state fields in all of the history records of said history table read indicate that said data in said information record has been accessed (col. 3, lines 30-47).

Regarding on claim 9, Anderson teaches a work list table, said work list table comprising one or more work entries, each work entry comprising an identification of data in an information record (col. 6, lines 30-45).

Regarding on claim 10, Anderson teaches adding a work entry to said work list table, said work entry comprising an identification (col. 6, lines 30-45).

Regarding on claim 11, Anderson teaches accessing a work entry in said work list table (col. 6, lines 30-45);

reading one or more history records of said history table, said one or more history records comprising a history table read, said one or more history records comprising said history table read determined by said work entry (col. 6, lines 30-45) and

deleting an information record if all the message state fields in all of the history records (message queue) of said history table indicate that said data in said information record has been accessed (col. 4, lines 25-44).

Regarding on claim 12, Anderson teaches batting two or more work entries in said work table list table (col. 6, lines 45-60); and

performing in a single transaction reading one or more history records of said history table, said one or more history records determined by said two or more work entries, and deleting one or more information records (col. 4, lines 25-44).

Claim 13 is rejected under the same reason as claim 1, in addition, Smith also discloses an information queue comprising one or more information queue records each said information queue record comprising information to be accessed by one or more consumers (col. 9, lines 9-11).

Regarding on claim 14, Smith teaches each said information queue record further comprises said identification of said information of said information queue record (col. 9, lines 9-11).

Regarding on claim 15, Smith teaches each said table record further comprises a message state field that indicates if the information in said information queue identified in the corresponding information identification field of said table record has been delivered to the consumer identified in the consumer identification field of said table record (col. 10, lines 12-18).

Regarding on claim 16, Smith teaches a read-order table record further comprises state field that indicates if the information in said information queue identified in the corresponding information identification field of said table record has been delivered to the consumer identified in the consumer identification field of said table record (col. 10, lines 12-18).

Regarding on claim 17, Anderson teaches read-order table comprises one or more records, each said record of said read-order table comprising in identification field identifies information in an information queue record, each said record of said read-order table further comprising an enqueue time field comprises said order data (col. 6, lines 20-20).

Regarding on claim 18, Anderson teaches a work list table, said work list table comprising one or more work list entries, each said work list entry comprising an identification of information in an information queue record (col. 3, lines 35-40).

Regarding on claim 19, Anderson teaches work list entry is a record (col. 3, lines 35-40);

Regarding on claim 20, Anderson teaches work list table comprises one or more work records and each said work list entry is a field in a work record (col. 3, lines 35-40).

Claim 21 is rejected under the same reason as claim 13, in addition, Anderson a work list table separated from said message queue and said history table comprising one or more work list entries, each said work list entry comprising a message identification (col. 5, lines 20-39).

Regarding on claim 22, Anderson teaches a read-order table comprising one or more read-order records, each said read-order-record comprising a message identification and order data, said order data indicating the relative order that the message of said message queue that is identified by the message identification of said read-order record is to be delivered to a consumer (col. 5, lines 20-39).

Regarding on claims 23, 31 and 38, Anderson teaches a method for multiple consumers to access information in a non first-in first out, prescribed order, said information comprising one or more piece of information, a first piece of information stored in a first location, said method comprising:

providing access to said first piece of information to a first consumer of said multiple consumers (electronic message to be distributed to one or more recipients) (col. 3, lines 35-37). Anderson does not explicitly teach indicating in a second location in a history table that said first consumer has accessed said first piece of information, said history table having first message state field for indicating whether said first consumer has accessed said first piece of information; providing access to said first

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piece of information to a second consumer of said multiple consumers; and indicating in a third location in said history table that said second consumer has accessed said first piece of information, said history table having a second message state field for indicating whether said second consumer has accessed said first piece of information. However, Smith discloses indicating in a second location in a history table that said first consumer has accessed said first piece of information, said history table having first message state field for indicating whether said first consumer has accessed said first piece of information; providing access to said first piece of information to a second consumer of said multiple consumers; and indicating in a third location in said history table that said second consumer has accessed said first piece of information, said history table having a second message state field for indicating whether said second consumer has accessed said first piece of information (col. 6, lines 30-34 and col. 10, lines 12-15 and col. 10, lines 12-15). This suggests the status indicator is the location in the table to indicate the records being accessed by the second user. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Anderson's system to update⁰ the message stage field to indicate the viewer have been read the message as taught by Smith in order to allow the automatic message deletion upon all user read the message.

Regarding on claims 24, 32 and 39, Smith teaches first location comprises an information entry in a queue of information (col. 5, lines 9-10).

Regarding on claims 25, 33 and 40, Smith teaches queue information comprises one or more information entries, and each said information entry comprises a piece of

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information to be accessed by one or more of said multiple consumers, each said information entry further comprising an identification of said piece of information of said piece of information in said information entry (col. 5, lines 9-10).

Regarding on claims 26, 34 and 41, Anderson teaches deleting said entry comprising said first piece of information that said first consumer and said second consumer is provided access to from said queue of information after said first consumer after said first consumer and said second have accessed said first piece of information (col. 7, lines 17-25).

Regarding on claims 28, 35 and 42, Anderson teaches second location comprises a history entry, said history entry comprising an identification of said first piece of information and an identification of said first consumer (col. 6, lines 30-35).

Regarding on claims 29, 36 and 43, Anderson teaches third location comprises another history entry in said history table, said other history entry comprising an identification of said first piece of information and in identification of said second consumer (col. 6, lines 30-35).

Regarding on claims 30, 37 and 44, Anderson teaches indicating in a fourth location an order in which said one or more pieces of information is to be accessed by said multiple consumers (col. 6, lines 30-35).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-

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4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162